

Appl. No. 10/631,195
Amdt. Dated July 6, 2006
Reply to Office Action of February 10, 2006

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REMARKS

Receipt of the Office action of February 10, 2006 is hereby acknowledged. In that action the Examiner: 1) rejected claims 1-25 as allegedly directed to non-statutory subject matter; 2) rejected claims 1-25 as allegedly anticipated by Nilsen et al. (U.S. Pat. No. 6,081,665); 3) objected to claim 11; and 4) objected to the specification.

With this Response, Applicant amends claims 9-14. Applicant believes the pending claims are allowable over the art of record and respectfully requests reconsideration.

I. AMENDMENTS TO THE SPECIFICATION

Applicant amends paragraph [0001] to address the Examiner's concerns. Applicant also amends paragraphs [0021] and [0032] to correct typographical errors. No new matter is submitted by these amendments.

II. 35 USC § 101 BASED REJECTIONS

The Office action rejects claims 1-25 as allegedly directed to non-statutory subject matter. Applicant respectfully traverses.

With regard to system claims 1-8 and 15-25, the Manual of Patent Examining Procedures (MPEP) provides the following guidance:

If a claim defines a useful machine or manufacture by identifying the physical structure of the machine or manufacture in terms of its hardware or hardware and software combination, it defines a statutory product. See, e.g., Lowry, 32 F.3d at 1583, 32 USPQ2d at 1034-35; Warmerdam, 33 F.3d at 1361-62, 31 USPQ2d at 1760.

(MPEP 8th Ed., Rev. 2, August 2005, § 2106 (IV), p. 2100-14). Claims 1-8 and 15-25 are directed to systems that identify physical structure, and thus are clearly directed to statutory subject matter.

Applicant amends claims 9-14 to address the Examiner's concerns. No new matter is added.

Based on the foregoing, Applicant respectfully submits that claims 1-25 are not directed to non-statutory subject matter, and the rejections should be withdrawn.

III. CLAIM OBJECTIONS

Applicant amends claims 10-11 to address the Examiner's concerns. No new matter is

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added.

IV. ART-BASED REJECTIONS

A. Claim 1

Claim 1 stands rejected as allegedly anticipated by Nilsen et al. Applicant respectfully traverses.

With regard to claim 1, Nilsen allegedly teaches a system comprising "a plurality of processors coupled to the counter, wherein one of the plurality of processors within the system is coupled to a garbage collector adapted to free a portion of unused memory." Applicant submits that the portion of Nilsen cited by the Examiner (Nilsen col. 17, lines 60-67 to col. 18, lines 1-43) does not teach a plurality of processors coupled to the counter. Therefore, Applicant respectfully submits that the cited reference does not accomplish its intended purpose of anticipating claim 1.

Based on the foregoing, Applicant respectfully submits that claim 1, and all claims which depend from claim 1 (claims 2-8), should be allowed.

B. Claim 9

Claim 9 stands rejected as allegedly anticipated by Nilsen et al. Applicant respectfully traverses.

Nilsen teaches a system wherein an event is triggered by the watchdog task or by the task executing its relinquish method (Nilsen col. 39, lines 42-43). The watchdog's sole responsibility is to notify the dispatcher that the application thread has gone to sleep (Nilsen col. 37, lines 56-58). Also, the relinquish method is used block or preempt a thread (Nilsen col. 39, lines 56-57).

Claim 9, by contrast, specifically recites "triggering a garbage collector to free a portion of the memory upon surpassing a threshold value". The threshold value may be a register value. Nilsen's watchdog and relinquish method are program subroutines (Nilsen, Fig. 54), and these subroutines fail to teach "triggering a garbage collector to free a portion of the memory upon surpassing a threshold value".

Based on the foregoing, Applicant respectfully submits that claim 9, and all claims which depend from claim 9 (claims 10-14), should be allowed.

C. Claim 15

Claim 15 stands rejected as allegedly anticipated by Nilsen et al. Applicant respectfully

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traverses.

Nilsen teaches a system wherein an event is triggered by the watchdog task or by the task executing its relinquish method (Nilsen col. 33, lines 42-43).

Claim 15, by contrast, specifically recites "wherein upon surpassing a threshold value, the counter triggers the garbage collector". The threshold value may be a register value. Nilsen's watchdog and relinquish method are program subroutines (Nilsen, Fig. 54), and these subroutines fail to teach "wherein upon surpassing a threshold value, the counter triggers the garbage collector".

Based on the foregoing, Applicant respectfully submits that claim 15, and all claims which depend from claim 15 (claims 16-25), should be allowed.


V. CONCLUSION

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

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Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. Applicant hereby petitions for any time extensions that are necessary to prevent this case from being abandoned. In the event that additional fees related to this Amendment, or other transactions in this case, are required (including fees for net addition of claims and for time extension), the Examiner is authorized to charge Texas Instruments Inc.'s Deposit Account No. 20-0668 for such fees.

Respectfully submitted,



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